

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CONSERVATION LAW FOUNDATION, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-10487/NG
)	
MITT ROMNEY, in his official capacity as)	
GOVERNOR OF MASSACHUSETTS, et al.,)	
)	
Defendants.)	

**JOINT MOTION OF THE DEFENDANTS AND PLAINTIFF CONSERVATION LAW
FOUNDATION FOR ADDITIONAL BRIEFING REGARDING DEFENDANTS'
MOTION TO DISMISS AND PLAINTIFF'S OPPOSITION THERETO**

The State Defendants,¹ the MBTA Defendants,² and the MTA Defendants³ (collectively, the "Defendants") and Plaintiff Conservation Law Foundation hereby jointly move this Court for leave to file additional briefing in response to the Defendants' April 22, 2005 Motions to Dismiss and Plaintiff's May 6, 2005 Opposition thereto. As grounds for this Joint Motion, the Defendants and Plaintiff state:

1. The Defendants' April 22, 2005 Motions to Dismiss and Plaintiff's May 6, 2005 Opposition thereto raise complex legal issues;

¹ The State Defendants are the defendants Mitt Romney, in his official capacity as Governor of Massachusetts; Douglas I. Foy, in his official capacities as Secretary of the Office for Commonwealth Development and Chairman of the Commonwealth Development Coordinating Council; Daniel Grabauskas, in his official capacity as Secretary of the Executive Office of Transportation; John Cogliano, in his official capacity as Commissioner of the Massachusetts Highway Department; and Robert W. Gollledge, in his official capacity as Commissioner of the Department of Environmental Protection.

² The MBTA Defendants are the defendants the Massachusetts Bay Transportation Authority and Michael H. Mulhern, in his official capacity as General Manager of the Massachusetts Bay Transportation Authority.

³ The MTA Defendants are the defendants the Massachusetts Turnpike Authority and Matthew J. Amorello, in his official capacity as Chairman of the Massachusetts Turnpike Authority.

2. The Defendants' short reply briefs and the Plaintiff's short surreply brief will assist the Court in its decision in this matter;

3. The Defendants and Plaintiff have conferred regarding this Joint Motion pursuant to Local Rule 7.1(A)(2) and, taking into account the complexity of the legal issues and the schedules of counsel, have agreed upon the following proposed terms:

- a. The State Defendants, the MBTA Defendants and the MTA Defendants may each submit a reply brief not to exceed twelve (12) pages by June 1, 2005;
- b. Plaintiff may submit a surreply brief not to exceed fifteen (15) pages to address the issues raised in the Defendants' reply briefs by June 22, 2005.

WHEREFORE, the Defendants and Plaintiff respectfully request that the Court grant this Joint Motion for leave to file additional briefing.

Respectfully submitted,

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THE MASSACHUSETTS TURNPIKE AUTHORITY
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